IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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WEDNESDAY, THE SEVENTH DAY OF FEBRUARY

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.2196 OF 2006

Between**:**

American Baptist Foreign Mission Society,

A Corporation duly established and

Organized in the USA having its main office

At Valley Forge, Country of Montogomery, Pennsylvania, USA., represented by its Power of Attorney, Rev.Dr.K.Imotemjen Aier, S/o. Kariongdang Aier, Langachang, Impur,

Mokokchung, Nagaland. … Petitioner

Versus

State of Andhra Pradesh,

Represented by its Secretary,

Municipal Administration, Secretariat Buildings,

Hyderabad & Anr. … Respondents

Counsel for the Petitioner: Mr.Ch.Samson Babu

Counsel for the Respondents: GP for Municipal Admn. &

Urban Development

Mr.S.Nageswara Reddy

O R D E R :

This writ petition is filed to declare the action of the second respondent in unauthorisedly entering into the premises of the petitioner in survey nos. 1541, 1542 and 1734 of Narasaraopet, Guntur district and taking steps for laying connecting road to connect two main roads as arbitrary, illegal, violative of Article 14 and 30 of the Constitution of India and consequently direct the respondents to refrain from laying of the road through the properties belonging to the petitioner society.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for the respondents.

It is stated that the petitioner is the owner and possessor of the lands bearing survey nos. 1541, 1542 and 1734 of Narasaraopet in Guntur district in an extent of Acs:10-00, which was acquired in the late 18th century. Out of the said land an extent of half acre is sought to be acquired for the purpose of laying a connecting road joining Vinukonda-Kotappakonda main road bisecting the Hird Junior College for Women being run by the petitioner-society.

Mr.S.Nageswara Reddy, the learned standing counsel on instructions submitted that those lands do not belong to Narasaraopet Municipality but they belong to American Baptist Foreign Missionary. In fact the Municipality has not initiated any action for laying the road-widening programme from out of the said land but proposals have been initiated. Accordingly, the Municipal Council passed Resolution No.307, dated 31-12-2005 to lay the road. Pursuant to the said resolution, the Municipality made a request to the petitioner-society to hand over the required land to form road for the public convenience and the said action is in the process.

On the other hand, the learned Govt.Pleader submits that they will follow due process of law before acquiring the land in question.

No doubt widening/laying of the road is in the public interest. While laying the road, if any property of private individual is coming in the way, it is for the respondents to acquire the same either by way of initiating land acquisition proceedings or by following due process of law.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition at the admission stage directing the respondents not to

demolish the structures of the petitioner-society, or take away any portion of the aforesaid property of the petitioner-society without following due process of law.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

FEBRUARY 07th, 2005. ----------

l s L. V. ESWARAIAH, J.